

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
RS FIT NW LLC,	)	
	)	Case No. 20-11568 (TMH)
Debtor.	)	(Jointly Administered)
_____	)	
	)	
24 HOUR FITNESS WORLDWIDE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CONTINENTAL CASUALTY COMPANY;	)	Adv. Pro. No. 20-51051 (TMH)
ENDURANCE AMERICAN SPECIALTY	)	
INSURANCE COMPANY; STARR SURPLUS	)	Hearing Date: October 8, 2024 at 11:00 a.m. (ET)
INES INSURANCE COMPANY; ALLIANZ	)	
GLOBAL RISKS US INSURANCE COMPANY;	)	
LIBERTY MUTUAL INSURANCE COMPANY;	)	
BEAZLEY-LLOYD'S SYNDICATES 2623/623;	)	
ALLIED WORLD NATIONAL ASSURANCE	)	
COMPANY; QBE SPECIALTY INSURANCE	)	
COMPANY; and GENERAL SECURITY	)	
INDEMNITY COMPANY OF ARIZONA,	)	
	)	
Defendants.	)	
_____	)	

**JOINT AMENDED NOTICE OF HEARING<sup>1</sup>**

PLEASE TAKE NOTICE that a hearing will be held before The Honorable Thomas M. Horan at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 6th Floor, Wilmington, DE 19801, in Courtroom No. 7, on October 8, 2024, at 11:00 a.m. (ET) concerning the following matters currently pending before the Court:

---

<sup>1</sup> Plaintiff initially filed a Notice of Hearing on September 4, 2024 (Dkt. 311). The Parties now jointly file this amended Notice, which includes all matters set to be argued on October 8, 2024 along with certain time estimates.

- Plaintiff 24 Hour Fitness Worldwide Inc.’s (“Plaintiff”) Motion for Partial Summary Judgment (Dkt. 237);
- Property Insurers Motion for Summary Judgment (Dkt. 232);<sup>2</sup>
- Defendant Allianz Global Risks US Insurance Company (“Allianz”) and Allied World Assurance Company’s (“Allied World”) Supplemental Motion for Partial Summary Judgment (Dkt. 234);
- Defendant QBE Specialty Insurance Company, General Security Indemnity Company of Arizona, and Allianz Global Risks US Insurance Company’s (collectively “Excess Insurers”) Memorandum of Law in Support of Defendants’ Motion for Summary Judgment (Dkt. 235);
- Defendant Allied World’s Motion for Summary Judgment and Incorporated Memorandum of Law Regarding the Pollution Policy (Dkt. 239);
- Property Insurer’s Motion to Exclude Dr. Carnethon’s Proposed Expert Testimony (Dkt. 249 and 271); and
- Allied World’s Motion to Exclude Dr. Carnethon’s Proposed Expert Testimony (Dkt. 279).

The several Oppositions, Replies, and other briefing concerning the foregoing motions are listed in the Parties’ Joint Notice of Completion of Briefing (Dkt. 306).<sup>3</sup>

PLEASE TAKE FURTHER NOTICE that the Parties have met and conferred and generally anticipate that the hour of argument will be divided among the foregoing motions as follows:

---

<sup>2</sup> “Property Insurers” refers to Defendants Continental Casualty Company (“Continental”), Starr Surplus Lines Insurance Company, Allianz Global Risks US Insurance Company, Liberty Mutual Fire Insurance Company, Certain Underwriters at Lloyd’s, London, Allied World National Assurance Company, QBE Specialty Insurance Company, and General Security Indemnity of Arizona.

<sup>3</sup> In addition to the Motions identified herein to be argued at the Hearing, the following motions also remain pending before the Court and bear upon issues relevant to the parties’ summary judgment briefing: (1) Property Insurers’ Motion to Strike Plaintiff’s Evidentiary Objections to Defendants’ Statement of Facts in Support of Property Insurers’ Motion for Summary Judgment (Dkts. 259, 268, 299, and 302); (2) Defendant Allied World’s Motion to Strike Plaintiff’s Evidentiary Objections to Defendants’ Statement of Facts in Support of Allied World’s Motion for Summary Judgment re Its Pollution Policy (Dkts. 260, 282, 299, and 304); (3) Plaintiff’s Request for Judicial Notice in Support of Plaintiff’s Motion for Partial Summary Judgment (Dkts. 240, 250, 272, and 278); and (4) Plaintiff’s Request for Judicial Notice in Support of its Opposition to Defendants’ Summary Judgment Motions (Dkt. 256, 272, 281, 297, and 298).

- **20 minutes:** Property Insurers' Motion for Summary Judgment (Dkt. 232) and Plaintiff's Motion for Partial Summary Judgment (Dkt. 237);
- **20 minutes:** Allied World's Motion for Summary Judgment regarding its Pollution Policy (Dkt. 239);
- **5 minutes:** Excess Insurers' Motion for Summary Judgment (Dkt. 235);
- **5 minutes:** Allied and Allianz Motion for Partial Summary Judgment (Dkt. 234); and
- **10 minutes:** Property Insurers' and Allied World's Motions to Strike Dr. Carnethon (Dkts. 249, 271, and 279).

Dated: September 27, 2024

Respectfully submitted,

**REED SMITH LLP**

/s/ Mark W. Eckard

Mark W. Eckard (No. 4542)  
1201 North Market Street, Suite 1500  
Wilmington, DE 19801  
(302) 778-7500  
(302) 778-7575 (Fax)  
meckard@reedsmith.com

David E. Weiss (admitted *pro hac vice*)  
T. Connor O'Carroll (admitted *pro hac vice*)  
101 Second Street, Suite 1800  
San Francisco, CA 94105-3659  
(415) 543-8700  
(415) 391-8269 (Fax)  
dweiss@reedsmith.com  
cocarroll@reedsmith.com

*Counsel for Plaintiff 24 HOUR FITNESS  
WORLDWIDE, INC.*

/s/ Matthew S. Sarna

Matthew S. Sarna (Bar No. 6578)  
1201 North Market Street, Suite 2100  
Wilmington, DE 19801-1147  
302.468.5700  
302.394.2341 (Fax)  
matthew.sarna@us.dlapiper.com

-and-

Brett Ingerman (admitted pro hac vice)  
**DLA PIPER LLP (US)**  
The Marbury Building  
6225 Smith Avenue  
Baltimore, MD 21209-3600  
410.580.3000  
410.580.3001 (Fax)  
brett.ingerman@us.dlapiper.com

*Attorneys for Continental Casualty Company*

**HOGAN McDANIEL**

/s/ Garvan F. McDaniel

Garvan F. McDaniel (No. 4167)  
1311 Delaware Avenue  
Wilmington, DE 19806  
(302) 656-7596  
(302) 656-7599 (Fax)  
gfmcdaniel@dkhogan.com

Benjamin W. Loveland (admitted *pro hac vice*)  
**WILMER CUTLER PICKERING  
HALE AND DORR LLP**  
60 State Street  
Boston, MA 02109  
(617) 526-6641  
benjamin.loveland@wilmerhale.com

Lauren R. Lifland (admitted *pro hac vice*)  
**WILMER CUTLER PICKERING  
HALE AND DORR LLP**  
7 World Trade Center 250 Greenwich Street New  
York, NY 10007  
(212) 230-8800  
lauren.lifland@wilmerhale.com

*Counsel to Starr Surplus Lines Insurance Company;  
Allianz Global Risks US Insurance Company;  
Certain Underwriters at Lloyd's of London  
subscribing to Policy No. W27C0A190101;  
incorrectly sued as "Beazley-Lloyd's Syndicates  
2623/623"; QBE Specialty Insurance Company and  
General Security Indemnity Company of Arizona*

**GELLERT SCALI BUSENKELL &  
BROWN, LLC**

/s/ Michael Busenkell  
Michael Busenkell (DE No. 3933)  
1201 N. Orange Street, Suite 300  
Wilmington, DE 19801  
(302) 425-5812  
mbusenkell@gsbblaw.com

Richard G. Haddad (admitted *pro hac vice*)  
**OTTERBOURG, P.C.**  
230 Park Avenue  
New York, NY 10169-0075  
(212) 661-9100  
rhaddad@otterbourg.com

*Counsel to Allied World National Assurance  
Company*

Stacey S. Farrell (admitted *pro hac vice*)  
Marlie McDonnell (admitted *pro hac vice*)  
**CLYDE & CO US LLP**  
271 17th Street NW, Suite 1720  
Atlanta, GA 30363  
(404) 410-3150  
stacey.farrell@clydeco.us  
marlie.mcdonnell@clydeco.us

*Counsel to Allianz Global Risks US Insurance  
Company*

Courtney E. Murphy (admitted *pro hac vice*)  
Kyle M. Medley (admitted *pro hac vice*)  
Adam S. Cohen (admitted *pro hac vice*)

**HINSHAW & CULBERTSON LLP**

800 Third Avenue, 13th Floor  
New York, NY 10022  
(212) 471-6200  
cmurphy@hinshawlaw.com

*Counsel to Starr Surplus Lines Insurance Company  
and Certain Underwriters at Lloyd's of London  
subscribing to Policy No. W27C0A190101,  
incorrectly sued as "Beazley-Lloyd's Syndicates  
2623/623"*

Matthew M. Burke (admitted *pro hac vice*)

**ROBINS KAPLAN LLP**

800 Boylston Street, Suite 2500  
Boston, MA 02199  
(617) 859-2711  
mburke@robinkaplan.com

Douglas R. Gooding (admitted *pro hac vice*)

Jonathan D. Marshall (admitted *pro hac vice*)

**CHOATE, HALL & STEWART LLP**

Two International Place Boston, MA 02110  
(617) 248-5000  
dgooding@choate.com  
jmarshall@choate.com

*Counsel to Liberty Mutual Fire Insurance Company*

Elizabeth Kniffen (admitted *pro hac vice*)

**ZELLE LLP**

500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415  
(612) 359-4261  
ekniffen@zelle.com

*Counsel to QBE Specialty Insurance Company and  
General Security Indemnity Company of Arizona*